

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

QUARDARIAN L. MITCHELL, #2245387      §

VS.      §      CIVIL ACTION NO. 6:18cv401

GARY WHITE, ET AL.      §

ORDER OF DISMISSAL

Plaintiff Quardarian Mitchell, an inmate formerly confined at the Hutchins State Jail is proceeding *pro se* and *in forma pauperis* in the above-styled and numbered civil rights lawsuit, complaining about events that occurred at the Gregg County Jail. The complaint was referred to the United States Magistrate Judge, the Honorable John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On June 29, 2019, Judge Love issued a Report, (Dkt. #27), recommending that Plaintiff's civil rights lawsuit be dismissed, without prejudice, for Plaintiff's failure to prosecute his case. Specifically, Judge Love highlighted how Plaintiff failed to notify the court of a change of address or his whereabouts—coupled with his failure to communicate with the court since November 2018. A copy of this Report was sent to Plaintiff at his last known address; return receipt requested. That Report was returned as “undeliverable,” (Dkt. #28), much like previous mail from the Court sent to Plaintiff. No objections to the Report have been received.

Because no objections to Judge Love's Report have been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

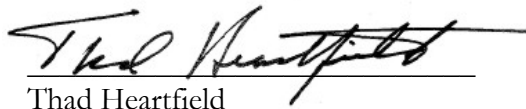
The court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

**ORDERED** that the Report of the United States Magistrate Judge, (Dkt. #27), is **ADOPTED** as the opinion of the court. Further, it is

**ORDERED** that Plaintiff's civil rights lawsuit is **DISMISSED**, without prejudice, for Plaintiff's failure to prosecute. Finally, it is

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED**.

**SIGNED** this the 23 day of July, 2019.

  
Thad Heartfield  
United States District Judge